



**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
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Memorandum

To: Planning Division Staff
From: Jaime Murillo, Senior Planner
Date: December 18, 2013
Re: Allowable height of freestanding fireplaces and barbeques when located within
Planned Community Districts

For Planned Community Development Plans that do not include provisions related to the encroachment of freestanding fireplaces and barbeques into setback areas, it has been determined that such improvements may be permitted in setback areas, consistent with the provisions of Section 20.30.110.D.8 of the Zoning Code. However, consistent with the intent of the Zoning Code Section, the height of such structures may be increased consistent with the allowed height of fences and walls permissible under the applicable Planned Community Development Plan.

For example, if a Planned Community Development Plan allows for 8-foot-high fences and walls located within side and rear setbacks, a freestanding fireplace may also be constructed at a height of 8 feet.

**Planned Community Development Standards For
Point Del Mar**

Real Estate Development Corporation

Ordinance No. 86-15 Adopted by the
City of Newport Beach City Council
June 9, 1986

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INTRODUCTION

The Point Del Mar Planned Community District for the City of Newport Beach, located northeast of Fifth Avenue and MacArthur Boulevard, has been developed in accordance with the Newport Beach General Plan.

The purpose of this Planned Community (PC) District is to provide a method whereby property may be classified and developed for single family residential uses. The specifications of this district are intended to provide land use and development standards contained herein while insuring compliance with the intent of all applicable regulatory codes.

Whenever the regulations contained herein conflict with the regulations of the Newport Beach Municipal Code, the regulations contained herein shall take precedence. The Municipal Code shall regulate this development when such regulations are not provided within these district regulations. All development within the Planned Community boundaries shall comply with all provisions of the Uniform Building Code and various mechanical codes related thereto.

SECTION I.

STATISTICAL ANALYSIS

<u>Land Use</u>	<u>Gross¹ Acres</u>	<u>Buildable² Acres</u>	<u>Maximum DU's</u>
Residential Units	6.63	5.20	43 DU's

1. Defined as area within property boundaries.

2. Defined as the entire site within the project boundary excluding streets, park dedication areas with existing slopes greater than 2:1, and natural floodplain.

Density

Dwelling Units per Gross Acre:	6.49
Dwelling Units per Buildable Acre:	8.27

SECTION II.

GENERAL NOTES

1. Project Description
The Planned Community District encompasses 6.63 gross acres for single family residential development.
2. Park Standards
Park requirements shall be in accordance with the Park Dedication Ordinance.
3. Water Service
Water within the Planned Community will be furnished by the City of Newport Beach.
4. Sewage Disposal
Sewage disposal facilities within the Planned Community will be provided by Orange County Sanitation District No. 5. Prior to the issuance of any building permits it shall be demonstrated to the satisfaction of the Planning Department that adequate sewer facilities will be available. Prior to the occupancy of any structure it shall be further demonstrated that adequate sewer facilities exist.
5. Grading and Erosion
Grading and erosion control shall be carried out in accordance with the provisions of the City of Newport Beach Grading Ordinance and shall be subject to permits issued by the Building and Planning Departments.
 - a. The grading plan shall include a complete plan for temporary and permanent drainage facilities, to minimize any potential impacts from silt, debris, and other water pollutants.
 - b. The grading permit shall include, if required, a description of haul routes, access points to the site and watering and sweeping program designed to minimize impacts of the haul operation.
 - c. An erosion and dust control plan, if required, shall be submitted and approved by the Building Department.
 - d. An erosion and siltation control plan, if required, shall be approved by the California Regional Water Quality Control Board - Santa Ana Region.
 - e. The velocity of concentrated runoff from any project shall be evaluated and erosive velocities controlled as part of the project design.
 - f. Grading shall be conducted in accordance with plans prepared by a Civil Engineer and based on recommendations of a soil engineer and an engineering geologist subsequent to the completion of a comprehensive soil and geological investigation

of the site. Permanent reproducible copies of the "Approved as Built" grading plans on standard size sheets shall be furnished to the Building Department.

6. Archeological/Paleontological
Prior to the issuance of grading permits, the site shall be examined to determine the existence and extent of archeological and paleontological resources in accordance with adopted City Policies.
7. Landscaping
All landscaping shall be installed in accordance with landscape plans, subject to the review and approval of the Planning Department and Parks, Beaches and Recreation Department.
8. Any fire equipment access shall be approved by the Fire Department.
9. The final design of onsite pedestrian and bicycle circulation in any tract shall be reviewed and approved by the Public Works Department and the Planning Department.
10. Prior to the approval of the final tract map for residential development, applicant shall reach agreement with the City for compliance with the Housing Element of the General Plan.
11. Exposed slopes, if any, shall be stabilized as soon as possible to reduce erosion.

SECTION III.

DEFINITIONS

The following definitions refer to the permitted uses in the development standards contained in this Ordinance.

1. Buildable Acreage
Buildable Acreage shall mean the entire site area within the project boundary excluding streets, park dedication, areas with existing natural slopes greater than 2:1, and natural floodplains.

SECTION IV.

SINGLE FAMILY RESIDENTIAL

The following uses and development standards apply.

A. Permitted Uses

1. Single Family Dwellings Detached
2. Condominium/Townhomes
3. Custom Lots
4. Temporary model complex, leasing office and appurtenant uses
5. Signs (as per City Code and as provided in Section V of this Planned Community text).

B. Maximum Building Height

All buildings shall comply with the height restrictions established by the City for this area and shall not exceed thirty-two (32) feet. Chimneys and vents shall be permitted as set forth in Section 20.02.060 of the Municipal Code.

C. Setbacks from Public Streets

The following minimum setbacks shall apply to all structures (not to include garden walls or fences) adjacent to streets. Said setbacks shall be measured from the property line.

<u>Street</u>	<u>Setback from Property Line</u>
MacArthur Boulevard	35'
Fifth Avenue	10'
Sea Lane	10'
Goldenrod	10'

D. Setbacks from Private Streets

1. A minimum setback of five (5) feet shall be required for all structures from private or non-dedicated streets measured from the back of curb.
2. Garages shall be set back from five (5) to seven (7) feet or greater than 18 feet measured from back of curb where no sidewalk exists and five (5) feet or greater than 18 feet measured from back of four (4) foot sidewalk, where sidewalk exists. All units with driveways between 18 and 20 feet from back or curb, where no sidewalk exists or back of sidewalk where sidewalk exists shall utilize roll-up garage doors.

E. Setbacks from Property Lines

Garages set back three (3) feet from side property line and houses or living areas set back four (4) feet from property line.

F. Rear Setbacks

There shall be a minimum of ten (10) feet from Goldenrod, Sea Lane and Fifth Avenue and a minimum of thirty-five (35) feet from MacArthur, measured from the property line (not including garden walls and fences).

G. Parking

A minimum of 2.0 covered off-street parking spaces shall be required. In addition .5 parking spaces per dwelling unit shall be provided for guest parking on street.

H. Fences, Hedges and Walls

Fences shall be limited to a maximum height of eight (8) feet, except within the front yard setback where fences, hedges and walls shall be limited to three (3) feet. Wing walls, where an extension of a residential or accessory structure is to be constructed may be eight (8) feet in height. Retaining walls are not considered to be wing walls. At street intersections, no such appurtenance shall exceed two (2) feet in height measured from curb height within the triangle bounded by the right-of-way lines and a connecting line drawn between points thirty (30) feet distant from the intersection of the right-of-way lines prolonged. The above applies except where noise attenuation is required.

Trellis and beam construction shall be so designed as to provide a minimum of 50 percent of the total trellis area as open space for the penetration of light and air to the covered area.

I. Architectural Features

Architectural features, such as but not limited to cornices, eaves and wingwalls may extend two and one-half (2 1/2) feet into any front, side or rear yard setback.

SECTION V.

SIGNS/RESIDENTIAL AREA

A. Permanent Signs

1. Miscellaneous Directional/Information Signs

Directional/Informational Signs, such as but not limited to "right turn only", "exit", "entrance", etc., shall be permitted. Said signs shall be kept to a minimum and shall be designed as a coordinated part of the overall project. Each sign shall not exceed four (4) square feet of sign area. Signs shall not be placed in locations that block a driver's line of sight as defined by the City's "Intersection Line of Sight Requirements" drawing.

B. Temporary Signs (Prior to and during construction)

1. Future Facility Signs

A sign which informs the viewer, through graphic symbol and verbal reinforcements, of the type of facility planned for the site.

2. Merchandising Signs

A sign which informs the viewer, through graphic symbol and verbal reinforcement, of the facility name, opening date, type of occupancy, owner-developer and phone number for sales information.

3. Signs shall not be placed in locations that block a driver's line of sight as defined by the City's "Intersection Line of Sight Requirements" drawing.